

REMARKS/ARGUMENTS

In response to the Examiner's final Office Action of January 15, 2008 issued with respect to the present RCE application, the Applicant respectfully submits the accompanying Amendment of the claims and the below Remarks.

Regarding Amendment

In the Amendment:

independent claims 1 and 19 are amended to omit recitation of the "two pairs" of electrodes and to specify that a first layer of the single material heater layers has the heater element and a second layer of the single material heater layers overlaying and spaced from the first layer does not have the heater element. Support for this amendment can be found, for example, at page 15, lines 24-31 and in Figs. 14, 19 and 32 of the present application; and

dependent claims 2-8, 10-18, 20-27 and 29-37 are unchanged.

It is respectfully submitted that the above amendments do not add new matter to the present application, nor any new issues to the present application.

Regarding 35 USC 103(a) Rejections

It is respectfully submitted that the subject matter of above-described amended independent claims 1 and 19, and the claims dependent therefrom, is not taught or suggested by any one or more of Kubby, Moon, DeMoor, Silverbrook, Feinn and Kashino, because none of these cited references teach or suggest multiple single material heater layers where one of the layers has the heater element and another of the layers which overlays and is spaced from the heater element layer does not have the heater element, as is required by the claimed invention.

That is, Kubby specifically discloses that the polysilicon layers of the suspended portion 18 contain the heating element doped regions 20, 22, whereas the other layers of the suspended portion, which are not polysilicon, do not contain heating elements (see col. 3, line 50-col. 4, line 4). Accordingly, there is no motivation for one of ordinary skill in the art from the disclosure of Kubby, either alone or in view of the other cited references, to use polysilicon layers in the suspended portion which do not have heating elements.

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

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